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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,329	03/03/2004	Stephen Brady	SVL920030022USI	4381

63608 7590 08/30/2007  
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EXAMINER
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NGUYEN, HANH N

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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08/30/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/792,329

Applicant(s)

BRADY ET AL.

Examiner

Hanh Nguyen

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Response filed 8/14/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 1-21 and 26-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/3/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

In response to the response filed on 8/14/07, claims 1-21 and 26-30 have been withdrawn. Claims 22-25 are being examined.

#### ***Claim Objections***

Claim 22 is objected to because of the following informalities:

It is suggested that " as replicated data stored on the user accessible data storage" on line 8 of claim 22 be deleted to avoid redundancy. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 22-25 are rejected under 35 USC 102(e) as being anticipated by Feuerstein et al. ( US pat.7,058,978 B2).

In claim 22, Feuerstein et al. discloses a system ( see fig.1, system 100) comprising a user accessible data storage ( fig.4, col.5, lines 12-20; memory 402); a substantially user inaccessible data storage storing master data ( see fig.4,col.7, lines 45-50; memory 430 of file server 110); and one or more servers (see fig.1, a plurality of network servers 108) performing a method including: deriving replicated data from the master data (see col.4, lines 1-5; receiving copy of resource/data file from file server 110); computing a verification record indicative of the replicated data using a selected checking algorithm (see fig.4; col.7, lines 5-30; checking resource integrity to verify that resource 404 stored in memory 402 is what was copied on the network server 108 from file server 110. The checking is performed by using checksum bits at the receiver), storing the replicated data on the user accessible data storage as replicated data stored on the user accessible data storage (see fig.4; col.5, lines 12-20; network server 108 has a memory 402 that stores copy of resources 404 from which client 102 accesses the resources 404 via network connection 106), detecting corruption of said replicated data stored on the user accessible data storage based on the verification record (see fig.4, col.7, lines 60 to col.8, line 15; in response to a requested resource 404, a checksum value 428 is compared with a checksum value corresponds to the requested resource 404. If the checksum value for the requested resource 404 does not match the checksum value 428 in network server 108, the resource 404 stored in network server 108 is overwritten by a hacker or uploaded by an intruder); and repeating the storing responsive to said detecting of corruption (see fig.5, col.9, lines

22-30; in the event resource 514 is overwritten, the resource 514 is replaced with a copy of the resource 530 stored in the network server 504).

In claim 25, Feuerstein et al. discloses applying the selected checking algorithm to said replicated data stored on the user accessible data storage ( see fig.4, col.5, lines 35-67; data table 424 is populated with checksum value 428 and file name 426 which is reference to resource 404 and periodically update resource stored in network server 108) ; and comparing the result of the applying with the verification record, a difference between the result of the applying and the verification record being indicative of corruption of said replicated data stored on the user accessible data storage (see fig.4, col.7, lines 60 to col.8, line 15; in response to a requested resource 404, a checksum value 428 is compared with a checksum value corresponds to the requested resource 404. If the checksum value for the requested resource 404 does not match the checksum value 428 in network server 108, the resource 404 stored in network server 108 is overwritten by a hacker or uploaded by an intruder).

In claim 23, Feuerstein et al. discloses the one or more servers include a central server ( file server 110; fig.4) communicating with the substantially user inaccessible data storage ( memory 430; fig.4; col.7, lines 45-50), said central server being protected by a firewall ( network service provider 104; fig.1); and a satellite server ( front end network server 108; fig.1) communicating with the user accessible data storage ( memory 402; fig.4), the satellite server ( network server 108) being connected with the central server ( file server 110; fig.4) by a network ( .IP network 106; fig.4).

In claim 24, Feuerstein et al. discloses the central server is generally disconnected from the network (col.7, lines 50-60; the verification of resource with file name 426 and checksum 428 in network server 108 does not require the access of file server 110) except during the storing, detecting and repeating portions of the method (addressed in claim 22).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pritchard et al. ( Us pat. 6,931,552 B2).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Thursday from 8:30 to 4:30. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached on 571 272 3092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen

A handwritten signature in black ink, appearing to read 'HNguyen', with a stylized, cursive script.

**HANH NGUYEN**  
**PRIMARY EXAMINER**